

**Newfields Planning Board**  
**March 10, 2005**

**Attendance:** John Hayden, Mike Price, William Meserve, Robert Devantery

The meeting was called to order at 7:08 pm.

**Evergreen Estates**

Brian Knipstein addressed the Board regarding the hauling of material out of the Evergreen Estates Subdivision. He explained that they are only hauling off excess material. It is not processed gravel. Tom Severino confirmed that this is just surplus material. They do not intend on mining the site or excavating more than necessary. There is a lot of ledge that needs to be hauled off. Tom estimates that 30,000 yards of material will be taken off the site and about 12,000 yards will remain. The construction period will continue for the next three months with 4-5 trucks going in and out per day. The trucks will not be traveling on any town roads.

John Hayden explained that during discussions with Jonathan Ring from Jones and Beach Engineers there was a large discrepancy between the quantities of material that the engineers were estimating and the quantities that the applicant estimated. The Board felt that the only way to effectively deal with this discrepancy was to put the note on the plan that said there would be no processed gravel removed from the site to be sold. If gravel was being hauled off and sold an excavation tax would have to be assessed. John did not see any problem with the current excavation for constructing the roadway.

Aaron Brown apologized for Jonathan Ring not addressing the issue in more detail at previous meetings. He also confirmed that they intend on keeping as much material on site as possible.

A motion was made by Bill Meserve and seconded by John Hayden that the developer agrees to the following conditions:

1. Remove **not** more than 30,000 yards of surplus material from the site.
2. The work will be completed by July 1, 2005.
3. Any trucks traveling through town will use State roads; Route 85 and Route 87.
4. There will be no traveling in the school zone between the hours of 8am-9am and 2:30pm -3:30pm.
4. There will be no excess excavation.
5. There will be no trucking until after 8:00am on Saturdays and there will be no work done on Sundays.

The motion carried. Yes-4, No-0

Ray Wenninger from Rockingham County Conservation District will be doing regular inspections of the work being done and will be notified to monitor the excavation of material.

### **Mill Woods Conservation Subdivision**

Mike Price recused himself from discussion because of being an abutter. Bill Doucet from Doucet Survey presented the revised conservation subdivision on behalf of Halls Mill Realty Trust, Laurie & Chris Frysalis and Dorothy Haughton. He stated that they worked with design criteria from the landowners and the Trust for Public Lands. The landowner's needs were to create two building lots. The TPL's needs were to maximize the acreage of protected land. He feels the application meets these goals using the conservation subdivision ordinance.

There is a total of 21 ½ acres of open space land with the two lots. Bill Doucet calculated the baseline density to be four lots and they are requesting two lots. The total open space required is 5.4 acres and they are providing 15.7 acres. The required amount of uplands required is 2.7 acres and 6.1 acres has been provided. Both lots have 75 feet of frontage. The proposed Haughton lot will be 14.4 acres and the proposed Frysalis lot will be 7.1 acres. The Frysalis lot gains its frontage from the proposed turnaround. The Haughton lot gains its frontage from 75 feet on Route 87. The area depicted as "Area A" shall remain in common ownership with the Haughton building lot in perpetuity.

Bill Doucet stated that he has been in contact with Attorney Loughlin and Engineer Reuben Hull regarding the application. Reuben had some recommendations which have been addressed. He recommended that they note a proposed easement on the Haughton property. On the Frysalis lot he recommended that the 150 foot buffer on the existing roadway be trimmed back to prevent the 4,000 foot square reserve area from being within the buffer. He also suggested that the plans show the 5,000 square foot building area. Reuben calculated that Doucet Survey owes an additional \$110.00 to the Town because of the recent consultation review fees implemented. The plan consists of two lot line revisions and two new lots (\$55 per lot x 4 lots). Bill stated that the Road Agent has reviewed the proposed turnaround. He agreed that it is an improvement over the last design. It is not intended to be a turnaround for buses.

Reuben mentioned that other than the \$110.00 owed, the application is complete and ready for acceptance.

A motion was made by Bob and seconded by Bill to accept the Mill Woods Conservation Subdivision application as complete for discussion. The motion carried. Yes -3, No-0

Bill Doucet explained that the Haughton building lot will be encumbered by a conservation easement and the reason for putting "Area A" with the building lot is to maintain frontage on Route 87.

On the Haughton lot the public access is shared with the private access through a 50 foot strip that begins at the recreational trail. There will be no public access off of Route 87. A person would have to access the recreation trail to get to the public access area. The 50 foot strip right of way would remain unpaved.

Reuben made the following additional comments:

1. The proposed lots have been laid out in compliance with the conservation subdivision ordinance.
2. The Board needs to grant a conditional use permit.
3. For the benefit of the landowner, he recommends that the plan show the access across the Haughton property. A note should be added showing the area that is not intended for public access.
4. He recommends that the driveway locations be added to the plan so that we know they can be built.
5. Because this plan is submitted as a new application it will be subject to the assessment of an impact fee. The impact fee rates have not been determined at this time.

Reuben stated that this plan is a key element in the progression of the Piscassic Greenway project. Recording of the plan will not occur until the Piscassic Greenway parcels are transferred to the Trust for Public Lands. The Board's decision should be forwarded to the applicant so that everything can move forward.

Mark Johnson requested that the Board grant a conditional approval. One of the conditions of approval would be that the remainder of the land would go to TPL.

Attorney Loughlin has identified for the Board his concerns and has outlined the conditions in his letter dated February 28, 2005.

The Planning Board will have to approve the removal of trees and stone walls because of the scenic road status of Halls Mill Road. Reuben stated that if the Board conditionally approves the plan tonight there will be ample time to take care of the scenic road permit process prior to the transfer.

Badge Blackett explained that the conditional approval needs to be granted tonight because a non-refundable deposit is required within 32 days. The deposit needs to be made after the 30-day appeal period of time has passed.

Mark Johnson informed the Board that according to the RSA's and the Conservation Ordinance, the conditional use permit will expire in 12 months if active and substantial development has not begun. The Board may need to extend the permit because the 12 month period of time will be up prior to the TPL closing. Mark Johnson suggested that the Board sign the plans within the 12 month period but not record them until 4 months later. This will get them to the TPL closing date. Peter Loughlin was contacted by phone for his recommendation regarding this issue and he felt it was okay to sign the plans and then have them recorded 4 months later.

The applicant is willing to mitigate the scenic road designation requirements.

A motion was made by Bob and seconded by Bill to grant a conditional use permit to allow for a conservation subdivision of Mill Woods. The motion carried. Yes -3, No-0

For the purposes of the conditional use permit as well as the subdivision approval; active and substantial development of this project shall be the submittal of the Mylar to the Planning Board for endorsement and the recording of the plan at the Registry of Deeds within 120 days thereafter. The conditions shall also include the comments of Attorney Loughlin in his correspondence of February 28, 2005 and Reuben Hull's letter of March 10, 2005. The impact fee value will be determined within six months and only apply to the two newly created lots, payable upon issuance of the certificate of occupancy. The requirements of the scenic road designation shall also be satisfied.

A motion was made by Bill and seconded by Bob to grant a conditional approval of the Mill Woods Conservation Subdivision. The conditions are described above.

Attorney Mark Johnson would like to request that the Planning Board extend the time to act upon the original Mill Woods Subdivision until February 2007. He explained that if the deal with TPL does not take place this would give them the ability to bring the original plan back before the Planning Board. This is one of the contingency they have with TPL. The Board will discuss this with Attorney Loughlin and consider the extension. No action was taken at this time.

A motion was made by Bob and seconded by Mike to request that the Selectman hire Reuben Hull to fill the position of contract planner for the Town of Newfields. They recommend that this be done in a timely fashion so that the impact fees and growth ordinance that was recently voted on can be implemented.

A motion was made by Bob and seconded by John to approve the minutes of December 16, 2004, January 10, 2005 and January 20, 2005 with a couple of minor corrections.

Mike Price discussed Planning Board appointments. Mark Kasper's term is up as of March 31, 2005 and he needs to be contacted to see if he is willing to continue to serve as an alternate member of the Board. The Board would also like to recommend to the Selectmen the appointment of Betsy Coes as an alternate member.

The impact fee ordinance was passed on March 8, 2005 to be effective as of the date of posting. The fees have not been determined.

With no further business to discuss the meeting adjourned at 9:30 pm. The next regularly scheduled meeting will be March 17, 2005 at 7:00 pm at the Newfields Town Hall.

Respectfully submitted,

Sue McKinnon

